

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:10-CR-206-BO-2

UNITED STATES OF AMERICA)
)
 v.)
)
RAMONE HAISON ETHRIDGE)

O R D E R

Before the Court is a Motion by counsel for the Defendant requesting a hearing to review Magistrate Judge Gates' detention order. The Motion is DENIED.

A Magistrate Judge's ruling on pretrial detention is reviewed *de novo* by the District Court. *United States v. Boyd*, 484 F. Supp. 2d. 486, 487, (4th cir. 2007) (citations omitted). "However, the district court need not conduct a new pretrial detention hearing; rather, the court may base its decision on the transcript of the original detention hearing and any additional evidence proffered by counsel." *Id.*


Considering the Transcript of the hearing on August 20, 2010, the Court finds that the United States produced clear and convincing evidence of flight or dangerousness to support the Magistrate Judge's Detention Order. The Court further finds that the United States produced clear and convincing evidence that there was no condition or combination of conditions that would reasonably assure the appearance of the Defendant.

Specifically, the Defendant has previously been convicted of

felony breaking and entering and larceny. Transcript page 12, lines 3-7. Moreover, the proffered evidence showed that the Defendant fled from law enforcement in connection with the charged offense, first in a vehicle, and then on foot. See, Transcript page 5, lines 3-19. The proffered evidence also showed that the Defendant was on probation when the charged offenses allegedly occurred. See, Transcript page 21, line 6-25. In light of the United States' showing, the Court will not disturb the Magistrate's Detention Order and a new hearing is not needed in this matter.

Based on the foregoing, the Defendant's Motion [DE-87] is DENIED.

IT IS SO ORDERED, this 30 day of May, 2011.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE